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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/507,882	02/22/2000	Richard H. Guski	PO9-99-151	4051
23413	7590	02/03/2004	EXAMINER	
CANTOR COLBURN, LLP 55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002			HENEGHAN, MATTHEW E	
		ART UNIT		PAPER NUMBER
		2134		8
DATE MAILED: 02/03/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.	09/507,882		Applicant(s)
Examiner	Matthew Heneghan		Art Unit 2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1) Responsive to communication(s) filed on 29 December 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

4) Claim(s) 1-24 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-24 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 29 December 2003 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .

2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ . 6) Other: \_\_\_\_\_ .

## **DETAILED ACTION**

1. Claims 1-24 have been examined. Claims 1-4, 6-9, 17-20, and 22-24 have been amended in response to the first office action.

### ***Drawings***

2. The drawings were received on 29 December 2003. These drawings are acceptable.

### ***Claim Rejections - 35 USC § 101***

3. Claims 1-16 are rejected under 35 U.S.C. 101 because the claimed inventions are directed to non-statutory subject matter.

Regarding claims 1-8, the limitations of the claims still teach only to the manipulation of abstract data on the system. Although the data is relevant to the status of the network at one time, it is necessary to include a limitation that explicitly or inherently requires an interaction with the network or the user at the time the method is being effected. Applicant is reminded that though the text of the preamble of a claim can affect the claimed limitations, it is not considered to constitute a limitation in and of itself. The addition of a limitation (or modification of an existing limitation) wherein there is necessarily an interaction with the network or the user at the time of the execution of the

method would be sufficient for Applicant to overcome this rejection. Applicant could also overcome this rejection by teaching to the use of a computer for the performing of the method.

Regarding claims 9-16, the limitations of the claims still only teach to means and processes by which abstract data could be manipulated. In order to overcome this rejection, applicant would need to add limitations that made the several means necessary to a functionality that encompasses statutory subject matter. Applicant could also overcome this rejection by specifying that the means be on a computer-readable medium.

***Claim Rejections - 35 USC § 112***

4. In view of applicant's amendments, previous rejections under 35 U.S.C. 112 to claims 7 and 23 are withdrawn.

5. Claims 1, 8, 17, and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1 and 17, the phrase "thereby allowing..." renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. It is suggested that this phrase be moved to the preambles of the each claim, as it teaches to the utility of the claimed invention, rather than to a limitation.

Regarding claims 8 and 24, in the last line of each claim, it is unclear whether the term "the system status" refers to the system status as of the time of signing on, as previously referenced in the claims, or to the system status as of the time of the comparison. It is suggested that the term be changed to either "said system status" or "the current system status."

***Claim Rejections - 35 USC § 102***

6. In view of applicant's amendments, all previous rejections under 35 U.S.C. 102 have been replaced by rejections under 35 U.S.C. 103.

***Claim Rejections - 35 USC § 103***

7. Claims 1-12 and 17-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,678,045 to Bettels in view of U.S. Patent No. 6,081,814 to Ramasubramani et al.

Regarding claims 1, 9, and 17, *Bettels* discloses a directory information tree containing multiple entries, with entries being determined by their Distinguishing Name (see column 3, line 62 to column 4, line 13). An algorithm is disclosed that replaces the mapping record with the Distinguishing Name, modified for environmental factors, such as language considerations (see column 4, line 43 to column 5, line 28). *Bettels* also

discloses that the first search criteria can then be used with the new record (see column 5, lines 29-38).

The system disclosed by *Bettels* does not disclose the inclusion of variables denoting system status as modifiers for distinguished names or apply this invention to digital certificates with distinguished names.

*Ramasubramani* discloses a certificate management system including the generation of prefixes for a distinguished name, derived from information including a timestamp, which is indicative of the current system status, so that each distinguished name is unique (see column 10, lines 47-59).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system disclosed by *Bettels* to generate additional information related to a distinguished names based on environmental information at the time of certificate creation, such as a timestamp, as disclosed by *Ramasubramani*, in order to ensure that each distinguished name is unique.

As per claims 2, 6, 18, and 22, an example given by *Bettels* teaches to an entry pertaining to an individual user. Any mapping record, therefore, may contain user information (see column 4, lines 13-42).

As per claims 3, 4, 10, 11, 19, and 20, *Bettels* discloses that this algorithm should be used repeatedly for every entry. *Bettels* shows at least four entries in an example in Figure 2, so second and third iterations would occur (see column 6, lines 27-28).

As per claims 5, 7, 12, 21, and 23, the Distinguished Name is part of the X.500 protocol, which *Bettels* explicitly states to be supported (see column 2, lines 66-67).

8. Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,678,045 to Bettels in view of U.S. Patent No. 5,896,440 to Reed et al. as applied to claims 9 and 10 and further in view of U.S. Patent No. 5,774,552 to Grimmer.

*Bettels* and *Ramasubramani* disclose a system for mapping distinguished names with support for status reports, as above, but do not apply this invention to digital certificates with distinguished names.

*Grimmer* discloses the use of multiple security levels by issuing additional certificates of a higher level. *Grimmer* suggests that this gives the most secure use of authentication (see column 5, line 66 to column 6, line 6).

*Grimmer* also discloses a method and system for retrieving digital certificates, including distinguished names, from an X.500 database (see column 4, lines 18-21), and suggests that certificate authentication requires global access to a centralized, secure repository (see column 1, lines 41-43).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system disclosed by *Bettels* and *Ramasubramani* to use of multiple security levels by issuing additional certificates of a higher level and also to support digital certificates, containing distinguished names, as disclosed by *Grimmer*, in order to give the most secure use of authentication and to have global access to a centralized, secure repository.

***Response to Arguments***

Applicant's arguments filed 29 December 2003 in Paper No. 7 have been fully considered but they are not persuasive.

Regarding the rejections under 35 U.S.C. 101 to claims 1-16, a further discussion regarding the grounds for rejection is given above.

Regarding the rejections under 35 U.S.C. 112, applicant's amendments have overcome the original grounds of rejection; however, in doing so, applicant has introduced new phrasing that once again renders claims 8 and 24 indefinite, as described above.

In response to applicant's argument that the rejection to claim 1 does not teach to a method for authorizing a user on a computer network, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

Regarding applicant's arguments to the rejections under 35 U.S.C. 103 to claims 8-16 and 24, the new grounds of rejection in necessitated by applicant's amendments once again render these claims to be obvious.

No explicit argument was given by applicant with respect to the rejection of claims 17-23; however, since these claims stand or fall together with claims 1-7 with respect to prior art rejections, it is presumed that applicant's arguments for claims 1-7 apply equally to both sets of claims.

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Finality of this office action is based upon the repeated rejection of under 35 U.S.C. 101 of claims 1-16; the new grounds of rejection necessitated by applicant's amendment under 35 U.S.C. 112, second paragraph to claims 8 and 24; and the new grounds of rejection necessitated by applicant's amendment to claims 1-24 under 35 U.S.C. 103.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,081,814 to Mangat et al. discloses the associating of environmental information with distinguished names.

U.S. Patent No. 6,292,838 to Nelson discloses the inclusion of environmental information, such as the user's physical location, in a distinguished name.

Wahl, RFC 2256, "A Summary of the X.500(96) User Schema for use with LDAPv3" discloses a variable, x500uniqueidentifier, for including data to distinguish multiple instances of the same distinguished name.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew E. Heneghan whose telephone number is (703) 305-7727. The examiner can normally be reached on Monday-Thursday from 8:00 AM - 4:00 PM Eastern Time. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse, can be reached on (703) 308-4789.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Or faxed to:**

(703) 872-9306

Hand-delivered responses should be brought to Crystal Park 2, 2121 Crystal Drive, Arlington, VA 22202, Fourth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

MEH *MEH*

January 29, 2004

*Gregory Morse*  
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